

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
SPARTANBURG DIVISION

JANE DOES 1-9,

Plaintiffs,

v.

COLLINS MURPHY, LIMESTONE  
COLLEGE, MG FREESITES, LTD d/b/a  
PORNHUB.COM, and HAMMY MEDIA,  
LTD. d/b/a XHAMSTER.COM,

Defendants.

Civil Action Number: 7:20-cv-00947-TMC

**DEFENDANT MG  
FREESITES' MOTION TO DISMISS  
FOURTH AMENDED COMPLAINT**

Defendant MG FREESITES, LTD ("Defendant") moves this Court, pursuant to Rule 12(b)(6), Federal Rules of Civil Procedure ("Rule 12(b)(6)"), and Rule 7.01, Local Civil Rules, for an Order granting dismissal with prejudice and without leave to amend on each and every allegation, cause of action, and/or prayer for damages or other relief contained in Plaintiffs' Fourth Amended Complaint. (*Dkt. # 99.*)

Pursuant to Rule 7.04, Local Civil Rules, the instant motion is supported by a memorandum arguing that Plaintiffs JANE DOES 1-9 ("Plaintiffs") failed to state a claim upon which relief can be granted, in contravention of Rule 12(b)(6) and *Bell Atlantic v. Twombly*, 550 U.S. 544 (2007), among other sources. In summary, Plaintiffs fail to state a claim because:

1. Plaintiffs fail to allege any unlawful conduct on behalf of Defendant, as to the various claims of invasion of privacy and intentional infliction of emotional distress;
2. Plaintiffs' claims are barred by Section 230(c)(1) of the Communications Decency Act, which provides complete immunity from Plaintiffs' claims; and finally,

3. Plaintiff's agency and conspiracy allegations are purely conclusory and without any factual basis.

On these grounds and as set out more fully in the supporting memorandum, Defendant respectfully requests this Court dismiss the action in its entirety and with prejudice.

A certificate of consultation under Rule 7.02, Local Civil Rules, is not provided as not required by subsection (A) of the same rule relative to motions to dismiss. Local Civ. Rule 7.02(A) (D.S.C.).

*[signature page follows]*

Respectfully submitted,

DATED February 10, 2021

Greenville, South Carolina

TURNER, PADGET, GRAHAM AND LANEY,  
P.A.

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DATED February 10, 2021

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